

UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. CR05-5555

v.

DETENTION ORDER

MARCIE RAMSAY,

Defendant.

THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community.

This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

Findings of Fact/ Statement of Reasons for Detention

1. Defendant is currently charged with Driving While Under the Influence; Driving with a Suspended License in the 2nd Degree; and violating a requirement that she not drive a vehicle without an ignition interlock device.. The defendant has four prior convictions for driving while intoxicated. Following a hearing at 9:30 a.m. where defendant was allowed to be released on supervision by Pretrial Services. Defendant advised the court she was currently in treatment and giving 3 random breathalyzer tests a week. Immediately thereafter, defendant reported to Pretrial Services who reported back to the court defendant had registered .10 on a breathalyzer and admitted she had been drinking before coming to court. The court resumed to consider the matter further at 11:45 a.m.
2. The court concludes that the defendant is unable to comply with the treatment she is currently undergoing; that the defendant is not amenable to supervision; that the defendant is a danger to the community given her multiple convictions for driving while intoxicated; probable cause to believe she has again committed the same offense, driving without a license, and refused to follow the condition regarding an ignition interlock, which requirement is for the protection of the public.

Order of Detention

- ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal, without prejudice to review..
- ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.
- ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding.

August 3, 2005.

s/ J. Kelley Arnold

J. Kelley Arnold, U.S. Magistrate Judge